

**LOCAL PLANNING AGENCY**  
**NOVEMBER 12, 2003**

**1. ROLL CALL**

The meeting was called to order at 7:41 p.m. Board members present were Chair Mike Bender, Vice-Chair Mimi Turin, Casey Lee and Scott McLaughlin. Also present were Town Attorney Monroe Kiar, Attorney Andre Parke, Redevelopment Administrator Will Allen, Planning and Zoning Manager Fernando Leiva, Planner Deborah Ross and Board Secretary Janet Gale recording the meeting. John Stevens was absent.

**2. PUBLIC HEARING**

**2.1 LA 03-06**

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ADOPTING APPLICATION LA 03-06, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE PLAN MAP DESIGNATION OF CERTAIN LANDS FROM "RESIDENTIAL 1 DU/AC" TO "UTILITY"; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (Florida Power and Light/Archdioceses of Miami, 1401 Hiatus Road) **(tabled from October 22, 2003) WITHDRAWN BY THE PETITIONER**

Chair Bender advised that this item had been withdrawn by the petitioner.

**2.2 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LIST OF PERMITTED USES WITHIN THE B-2, COMMUNITY BUSINESS DISTRICT AND B-3, PLANNED BUSINESS CENTER DISTRICT TO INCLUDE "STORE FRONT HOUSES OF WORSHIP"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (tabled from October 22, 2003)**

Mr. Kiar read the title of the revised ordinance and informed the Board of the Religious Land Use and Institutionalized Persons Act (RLUIPA), of which a summary was provided. Mr. Kiar listed the recommendations formerly made by this Agency and which had been presented to the Town Council. He opined that the revised ordinance complied with State Statutes, RLUIPA and treated religious assembly the same as non-religious assembly.

Mr. Leiva provided historical information and fielded questions from the Agency regarding parking restrictions.

Chair Bender asked if anyone wished to speak for or against this item.

Mr. Allen indicated that he was neither in favor nor opposed to the ordinance; however, there were items that he believed needed to be considered in the redevelopment district. He listed the issues that the Community Redevelopment Agency had raised when it had discussed this ordinance. Messrs. Kiar and Parke answered the questions Mr. Allen posed and clarified that the ordinance was designed to treat storefront houses of worship similarly to any entity of assembly in the B-2 and B-3 district, and that its purpose was to set certain perimeters where none existed before.

Mr. McLaughlin recalled that this Agency also recommended that there be no child care and/or school activities within those store front houses of worship. Mr. Parke duly noted and contended that it would be an accessory use which would be dealt with on a case-by-case basis.

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As there were no other speakers, Chair Bender closed the public hearing.

A lengthy discussion ensued regarding parking issues and how the limited parking within the redevelopment district would automatically impose restrictions. Agency members expressed their opinions and reiterated their recommendations and their reasoning.

Vice-Chair Turin made a motion, seconded by Ms. Lee, to approve the ordinance, however, being conditional upon the restrictions mentioned; specifically, that such uses not allow school activities; that it be subject to the parking requirements discussed; that it be subject to distance separations discussed as well as the limitation of one per shopping center; and that there be language, including the mechanism, that it be via a "Special Permit" process. In a roll call vote, the vote was as follows: Chair Bender – no; Vice-Chair Turin – yes; Ms. Lee – yes; Mr. McLaughlin – yes; Mr. Stevens – absent. **(Motion carried 3-1)**

- 2.3 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN; AMENDING SECTION 26-24 ENTITLED "TREE REMOVAL PERMIT-EXCEPTIONS"; PROVIDING FOR CLARIFICATION OF PERMIT REQUIREMENTS; AMENDING SECTION 26-27, ENTITLED "TREE RELOCATION"; PROVIDING FOR REVISED AUTHORITATIVE REFERENCES; AMENDING SECTION 26-28, ENTITLED "TREE REPLACEMENT"; PROVIDING FOR REVISED REQUIREMENTS FOR REPLACEMENT TREES; AMENDING SECTION 26-32 ENTITLED "SPECIMEN TREES"; PROVIDING FOR REVISED AUTHORITATIVE REFERENCES; AMENDING SECTION 26-40 ENTITLED "DEFINITIONS"; PROVIDING FOR ADDITIONAL DEFINITIONS RELATING TO TREE ABUSE; AMENDING SECTION 26-41 ENTITLED "TREE TRIMMING SERVICE PROVIDERS"; PROVIDING FOR REQUIREMENTS FOR PROFESSIONAL CONDUCT AND STOP WORK ORDERS; AMENDING SECTION 26-42 ENTITLED "PROHIBITION OF TREE ABUSE; EXCEPTIONS; ADMINISTRATIVE APPEAL"; PROVIDING FOR NEW RESTRICTIONS AND ALLOWANCES; SECTION 26-43, ENTITLED "REMEDIAL ACTIONS REQUIRED FOR VIOLATORS"; PROVIDING FOR NEW REQUIREMENTS AND PERMITS; SECTION 26-44. ENTITLED "FEES AND VALUES"; PROVIDING FOR A REVISED TITLE AND CHANGES IN FEES AND TREE VALUATION"; AND AMENDING SECTION 26-55 ENTITLED "PERMIT-REQUIRED"; PROVIDING FOR NEW TREE SURVEY AND PERMIT REQUIREMENTS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Urban Forester Mike Orfanedes clarified that the purpose of the ordinance was for recertification of municipal tree preservation and abuse codes to comply with the Broward County Tree Preservation and Abuse Ordinance. He provided an overview and answered specific questions.

Chair Bender asked if anyone wished to speak for or against this item. As no one spoke, the public hearing was closed.

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Ms. Lee made a motion, seconded by Vice-Chair Turin, to approve. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair Turin – yes; Ms. Lee – yes; Mr. McLaughlin – yes; Mr. Stevens – absent. **(Motion carried 4-0)**

**3. OLD BUSINESS**

There was no old business discussed.

**4. NEW BUSINESS**

There was no new business discussed.

**5. COMMENTS AND/OR SUGGESTIONS**

There were no comments and/or suggestions made.

**6. ADJOURNMENT**

There being no other business and no objections, the meeting was adjourned at 8:37 p.m.

Date Approved: \_\_\_\_\_

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Chair/Agency Member